

# PROCEEDINGS OF THE ONE HUNDRED FIRST ANNUAL MEETING OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW

CHAIRS OF THE COMMITTEE  
OF THE ANNUAL MEETING  
*William J. Aceves*  
*Charles A. Hunnicutt*  
*Chantal Thomas*

Co-EDITORS OF THE PROCEEDINGS  
*William J. Aceves*  
*Charles A. Hunnicutt*  
*Chantal Thomas*

## CONTENTS

<i>Foreword</i> .....	x
<b>An Introduction: The Future of International Law</b> .....	1
<i>William J. Aceves, Charles A. Hunnicutt, and Chantal Thomas</i>	
<b>Ninth Annual Grotius Lecture</b>	
Multinational Corporations: Balancing Rights and Responsibilities	
<i>Joseph E. Stiglitz</i> .....	3
<b>Feeling the Heat? Climate Change Litigation in the 21st Century</b>	
The Intersection of Scale, Science, and Law in <i>Massachusetts v. EPA</i>	
<i>Hari M. Osofsky</i> .....	61
International Litigation Over Global Climate Change: A Skeptic's View	
<i>Darin R. Bartram</i> .....	65
<b>The Canada-U.S. Border: Free Trade in a Time of Enhanced Security</b>	
Remarks by:	
<i>Ambassador Wilson</i> .....	69
Free Trade in a Time of Enhanced Security	
<i>Jon R. Johnson</i> .....	73
Remarks by:	
<i>Peter Lichtenbaum</i> .....	76
<b>Social Justice Advocacy in the United States: What Role for International Law?</b>	
Introduction	
<i>Steven M. Watt</i> .....	79
Bringing Human Rights Home? The Promises and Pitfalls of Rights Strategies in American Social Justice Advocacy	
<i>Clifford Bob</i> .....	82
Remarks on Social Justice Advocacy in the United States	
<i>Aryeh Neier</i> .....	84
The Human Right to a Healthy and Safe Environment: The Right of Displaced Hurricane Katrina Survivors to Return Home With Dignity and Justice	
<i>Monique Harden</i> .....	85
<b>Roundtable on Citizenship</b>	
An Emerging International Law of Citizenship?	
<i>Peter J. Spiro</i> .....	89
Remarks by:	
<i>Linda Bosniak</i> .....	91
The Private Side of Citizenship	
<i>Karen Knop</i> .....	94
	iii

The Resilience of Nationality	
<i>Gerald L. Neuman</i> .....	97
Rethinking Nationality in International Law	
<i>Kim Rubenstein</i> .....	99
<b>The Future of Food</b>	
The Future of Food: Elements of Integrated Food Security Strategy for South Africa and Food Security Status in Africa	
<i>D. Moyo</i> .....	103
The Future of Food Subsidies	
<i>Peggy A. Clarke</i> .....	109
<b>Tsunamis, Hurricanes, Earthquakes, and Asteroids: Are We Ready for the Next 100 Years?</b>	
Introductory Remarks by:	
<i>James Gathii</i> .....	113
International Disaster Relief: A Growing Regulatory Dilemma	
<i>David Fisher</i> .....	114
<b>Queering International Law</b>	
Introduction	
<i>Ralph Wilde</i> .....	119
"Taking a Break" from "Normal": Thinking Queer in the Context of International Law	
<i>Dianne Otto</i> .....	119
Queering International Legal Authority	
<i>Doris E. Buss</i> .....	122
On a Certain Queer Discomfort with <i>Orientalism</i>	
<i>Amr Shalakany</i> .....	125
Queer Theory and International Human Rights Law: Does Each Person Have a Sexual Orientation?	
<i>Aeyal Gross</i> .....	129
<b>Africa: A New Voices Panel</b>	
Introductory Remarks by:	
<i>Joel M. Ngugi</i> .....	133
The Convergence of Local and International Law: Family Law in the Protocol on the Rights of Women in Africa	
<i>Chinwe Esimai</i> .....	135
Participatory Constitution-Making in Post-Conflict States	
<i>Angela M. Banks</i> .....	138
The Chad Cameroon Pipeline Project (CCPP) and the Dilemmas of the Government of Chad	
<i>Stefaan Smis and Stephen S. Kingah</i> .....	141
On the Origin of Fear in the World Trade System: Excavating the Roots of the Berlin Conference of 1884-1885	
<i>Marjorie Florestal</i> .....	143
<b>Paving the Way? Africa and the Future of International Criminal Law</b>	
Introduction	
<i>Vincent O. Nmechielle</i> .....	147

Africa, International Criminal Courts, and Peace Building: Reflections on the Experience of Ad-hoc and Mixed Tribunals	
<i>Simone Monasebian</i> .....	148
Illegal Peace? Power Sharing with Warlords in Africa	
<i>Jeremy Levitt</i> .....	152
<b>Institutions and the Rule of Law: A New Voices Panel</b>	
Toward an Identity Theory of International Organizations	
<i>Sungjoon Cho</i> .....	157
The Future of UN Peacekeeping and the Rule of Law	
<i>Jeremy Farrall</i> .....	160
The Oil-for-Food Program and the Need for Oversight Entities to Monitor UN Sanctions Regimes	
<i>Susan A. Notar</i> .....	163
Domestic Courts and Global Governance	
<i>Christopher A. Whytock</i> .....	166
<b>Collapse: Can International Law Protect the Earth's Natural Resources?</b>	
Carlin and Collapse	
<i>John K. Setear</i> .....	171
Environmental Challenges	
<i>David Freestone</i> .....	172
Judging Treaties	
<i>Lakshman Guruswamy</i> .....	175
<b>The Globalization of the American Law School</b>	
Introductory Remarks by:	
<i>Chantal Thomas</i> .....	183
Remarks by:	
<i>Alex Aleinikoff</i> .....	184
<i>William Alford</i> .....	186
<i>Joseph Weiler</i> .....	189
Questions .....	193
<b>The Future of Internet Governance</b> .....	201
<b>Breaking Developments in International Law: A Conversation on the ICJ'S</b>	
<i>Opinion in Bosnia and Herzegovina v. Serbia and Montenegro</i>	
Introductory Remarks by:	
<i>Theodor Meron</i> .....	215
Discussion .....	217
<b>The Future of International Law</b>	
Members' Reception and Plenary Panel .....	229
Introductory Remarks by:	
<i>Alexander Aleinikoff</i> .....	229
Remarks by:	
<i>Anne-Marie Slaughter</i> .....	229
<i>Hisashi Owada</i> .....	231
<i>Lori Damrosch</i> .....	233
<i>Barry Carter</i> .....	236
<i>Antônio Augusto Cançado Trindade</i> .....	238

# **What Future for the Doha Development Agenda and the Multilateral Negotiating Regime?**

## **Introduction**

<i>C. Donald Johnson</i> .....	243
--------------------------------	-----

## **What Legal Framework for Developing Country Coalitions in the WTO?**

<i>Sonia E. Rolland</i> .....	244
-------------------------------	-----

# **Implementation of International Health Law: A Challenge for the Future**

## **Introductory Remarks by:**

<i>Fernando Gonzalez-Martin</i> .....	249
---------------------------------------	-----

## **A Proposal for a Framework Convention on Global Health**

<i>Lawrence O. Gostin</i> .....	249
---------------------------------	-----

## **Remarks by:**

<i>Gian Luca Burci</i> .....	253
------------------------------	-----

## **The World Health Organization's International Health Regulations (2005)**

<i>Bruce Plotkin</i> .....	256
----------------------------	-----

# **Customary International Law as Federal Law After *Sosa v. Alvarez-Machain***

## **Introduction: The Path to *Sosa***

<i>Martin S. Flaherty</i> .....	261
---------------------------------	-----

## **Accommodating Concerns for International Law and Proper Governance**

<i>David H. Moore</i> .....	264
-----------------------------	-----

## **A No Decision: *Sosa v. Alvarez-Machain* and the Debate over the Domestic**

### **Status of Customary International Law**

<i>Julian Ku</i> .....	267
------------------------	-----

## ***Sosa*, the Federal Common Law and Customary International Law: Reaffirming the Federal Courts' Powers**

<i>Beth Stephens</i> .....	270
----------------------------	-----

## **The Traffic Light Theory of *Sosa v. Alvarez-Machain***

<i>Ralph G. Steinhardt</i> .....	272
----------------------------------	-----

# **Slave Trafficking 200 Years After Abolition**

## **Introductory Remarks by:**

<i>Adrien Wing</i> .....	277
--------------------------	-----

## **Slave Trafficking as a Crime Against Humanity**

<i>Diane Marie Amann</i> .....	277
--------------------------------	-----

## **Legal Foundations for Prohibiting the Profits and Products of**

### **Contemporary Slavery**

<i>Kevin Bales</i> .....	279
--------------------------	-----

## **Reparations and the Slave Trade**

<i>Adrienne Davis</i> .....	285
-----------------------------	-----

# **Justice Should Be Done, But Where? The Relationship Between National and International Courts**

.....	289
-------	-----

# **Toward International Order in Migration and Trade?**

## **Introduction**

<i>Joel P. Trachtman</i> .....	301
--------------------------------	-----

## **Managing Migration: Whither the Missing Regime? How Relevant is Trade**

### **Law to Such a Regime?**

<i>Bimal Ghosh</i> .....	303
--------------------------	-----

<b>An Overview of International Cooperation Over Migration</b>	
<i>Susan Martin</i> .....	306
<b>How International Law Could Increase Wealth and Reduce Global Inequality by Liberalizing Migration</b>	
<i>Howard F. Chang</i> .....	311
<b>Moral Aspects of International Labor Migration Regimes</b>	
<i>Tomer Broude</i> .....	313
<b>Indigenous Rights, Traditional Knowledge, and Access to Genetic Resources—New Participants in Future International Law Making</b>	
Indigenous Peoples and the Role of the Nation-State	
<i>Valerie Phillips</i> .....	319
<b>Ethics, Legitimacy, and Lawyering: How do International Lawyers Speak Truth to Power?</b>	325
<b>The Supreme Court and the War on Terrorism</b>	
<i>Hamdan</i> and the Military Commissions Act of 2006: An Overview	
<i>Sean D. Murphy</i> .....	339
What Does <i>Hamdan</i> Mean for Human Rights?	
<i>Dinah PoKempner</i> .....	341
Was <i>Hamdan v. Rumsfeld</i> an Exercise in Judicial Futility?	
<i>Jide Nzelibe</i> .....	345
<b>Divergence and Harmonization in Private International Law</b>	
Introductory Remarks by:	
<i>David Stewart</i> .....	349
Some Observations from the Hague Conference on Private International Law	
<i>Christophe Bernasconi</i> .....	350
The Hague Convention on Child Support and Other Forms of Family Maintenance: Divergent Private International Law Rules and the Limits of Harmonization	
<i>Robert G. Spector</i> .....	353
Commercial and Insolvency Law	
<i>Edwin E. Smith</i> .....	357
Common Themes	
<i>Louise Ellen Teitz</i> .....	360
<b>The Future of Transnational Litigation in U.S. Courts: Distinct Field or Footnote?</b>	
Is International Litigation a Field? Two Views of the Border	
<i>Paul R. Dubinsky</i> .....	365
<b>Democracy, Gender, and Governance</b>	
Introduction	
<i>Darren Rosenblum</i> .....	379
Remarks by:	
<i>Sonia E. Alvarez</i> .....	380
<i>Janie Chuang</i> .....	381
<i>Janet Halley</i> .....	382
<i>Kerry Rittich</i> .....	383
Questions and Answers .....	384
<b>The Future of International Labor Law</b>	
Introductory Remarks by:	
<i>Adelle Blackett</i> .....	389

The Future of the International Labour Organization	
<i>Laurence R. Helfer</i> .....	391
The Future of ILO Law, and the ILO	
<i>Brian Langille</i> .....	394
The OECD: An Unusual Actor for International Labor Law (and an Introductory Aside on the Lack of U.S. Interest in International Labor Law)	
<i>Virginia A. Leary</i> .....	396
Three Challenges Facing International Labor Law	
<i>Janelle M. Diller</i> .....	398
<b>Plenary Corporate Counsel Forum: The Impact of International Law on Multinational Corporations</b>	
Summary of Panel Discussion .....	403
Remarks by:	
<i>Thomas Gottschalk</i> .....	403
Remarks by:	
<i>Alberto Mora</i> .....	404
Remarks by:	
<i>Paul Wright</i> .....	405
<b>The UN Sales of Goods Convention: Perspectives on the Current State-of-Play</b>	
Fundamental Breach of Contract Under the CISG: A Controversial Rule	
<i>Eduardo Grebler</i> .....	407
Does the CISG Fill a Much-Needed Gap?	
<i>Paul B. Stephan</i> .....	414
Buyer's Remedies in the Case of Non-conforming Goods: Some Problems in a Core Area of the CISG	
<i>Ingeborg Schwenzer</i> .....	416
<b>Strengthening Human Rights Mechanisms Around the World</b>	
Introductory Remarks by:	
<i>John Cerone</i> .....	423
Remarks on the Human Rights Council	
<i>Ngonlardje Mbaidjol</i> .....	423
The Case of the European Court of Human Rights	
<i>Christos L. Rozakis</i> .....	424
The Reform of the African System of Human Rights Protection	
<i>Fatsah Ouguergouz</i> .....	427
<b>How Can The Nuclear Nonproliferation Regime be Repaired? What if it Can't?</b>	
Enforcement and the Future of the Nuclear Nonproliferation Regime	
<i>Orde F. Kittrie</i> .....	433
The Nuclear Nonproliferation Regime and Nuclear Realities: Repair or Reassessment?	
<i>Jack M. Beard</i> .....	438
Replacing a Failed Nuclear Strategy	
<i>Joseph Cirincione</i> .....	442
<b>Counter-Insurgency and the War on Terror: A Deadly Convergence?</b>	
Introductory Remarks .....	447
Transnational Movements	
<i>Philip Sundel</i> .....	447

<b>Investment Law, Dispute Resolution, and the Development Promise: Back to the Future</b>	
The African Development Bank's Contribution to the Harmonization of Investment Laws in Africa and Prospects for Future Harmonization of Such Laws	
Adesegun A. Akin-Olugbade .....	451
Developments in Investor-State Arbitration—Reflections from the Classroom	
Jack J. Coe, Jr. ....	454
An Empirical Analysis of Investment Treaty Awards	
Susan D. Franck .....	459
The Evolving International Standard and Sovereignty	
W. Michael Reisman .....	462
International Investment and Administrative Law in Latin America	
Javier Robalino-Orellana .....	465
<b>Roundtable—A Multiplicity of Actors and Transnational Governance</b>	
Introductory Remarks by:	
José Gabilondo .....	469
Non-State Actors and the International Institutional Order: Central Bank Capture and the Globalization of Monetary Amnesia	
Timothy A. Canova .....	469
The Place of the Private Transnational Actor in International Law: Human Rights Norms, Development Aims, and Understanding Corporate Self-Regulation as Soft Law	
Erika R. George .....	473
Remittance Liquidity and Citizen "Arbitrage"	
José Gabilondo .....	476
101st Annual Meeting Theme Statement and Program .....	481
Forty-eighth Philip C. Jessup International Law Moot Court Competition .....	498
Appendices .....	501
Minutes of the ASIL Annual General Meeting .....	501
Memorial Notices .....	504
ASIL Officers and Executive Council .....	508
American Journal of International Law .....	509
International Legal Materials .....	510
Proceedings of the Annual Meeting .....	510
Index .....	513







## INDEX

**Abbreviations, Acronyms, and Short Forms Used:** AIDS, acquired immunodeficiency syndrome; ASIL, American Society of International Law; Charter, United Nations Charter; EC, European Communities; GATT, General Agreement on Tariffs and Trade; ICC, International Criminal Court; ICJ, International Court of Justice; ICTY, International Criminal Tribunal for the former Yugoslavia; IR, international relations; NATO, North Atlantic Treaty Organisation; NGO, nongovernmental organization; NAFTA, North American Free Trade Agreement; OECD, Organisation for Economic Co-operation and Development; POW, prisoner of war; *Rems*, remarks; UN, United Nations; WTO, World Trade Organization.

- Abu Ghraib, 79
- Accra and Lomé accords, 152–56
- Aceves, William J., 1–2
- ACP Group, 245
- Adam Smith's invisible hand, free-market economics, 20–21
- Administrative law, Latin America, 465–67
- Adoption Convention, 351
- Advisory Opinion on The Legality of the Threat or Use of Nuclear Weapons, ICJ, 439
- Advocacy, 80
- Advocates for Environmental Human Rights (AEHR), 85–88
- Aerospatiale*, 372
- Affirmative, holistic approach to rights, 80–81
- Africa
  - Chad Cameroon Pipeline Project (CCPP), 141–43
  - convergence of local and international law, 135–38
  - international criminal law, 147–56
  - new voices panel, 133–46
  - participatory constitution-making in post-conflict states, 138–41
  - power sharing, 152–56
- African Charter on Human and People's Rights, 1981, 427
- African Court of Human and People's Rights, 239
- African Court of Human Rights, 423
  - merger with Court of Justice of the African Union, 427
  - reform of, 427–31
- African Development Bank (ADB), 451–54
  - activities in the field of harmonization of investment laws, 453–54
  - research and publication, 454
- African Group, 245
- African Law Institute (ALI), 452
- African Union (AU), 453
- Agricultural Policy Discussion Document, 103
- Agricultural White Paper, 103
- Akin-Olugbade, Adesegun A., 451–53
- Al Qaeda, 448
- Aleinikoff, Alexander, *Rems.*, 184–85, 229
- Alford, William, *Rems.*, 185–88
- Alien Tort Statute (ATS), 261–75
  - customary international law and human rights, 261–62
- Alvarez, Sonia E., *Rems.*, 380
- Amann, Diane Marie, 277–78
- American Convention on Human Rights, 97–98, 240
- American Declaration of the Rights and Duties of Man, 1948, 427
- American Law Institute, 362
  - Restatement of Conflict Laws, 368
- American law school, globalization of, 183–99
- Amnesty International
  - on hybrid courts, 300
  - ICC authority and, 293–94
- Anti-deportation movement, 93–94
- Anti-suit injunctions, 375
- Applicable law, UIFSA, 355
- Aptitude of international law, 239
- Arab Group, 245
- Arbitrators, investment treaties, 461
- Asteroids, 113–18
- Babcock v. Jackson*, 368
- Bales, Kevin, 279–84
- Banco Nacional de Cuba v. Sabbatino*, 263
- Bankruptcy law, 28
- Banks, Angela M., 138–40
- Bartram, Darin R., 65–68
- Beard, Jack M., 438–441

- Berlin Conference, 133  
 roots of, 143-46
- Bernasconi, Christophe, 350-52
- Berne Initiative, International Agenda for Migration Management, 307-08
- Better Work Program, ILO, 396
- Bilateral investment treaties (BITs), 3-15  
 Africa, 451  
 developments in investor-state arbitration, 454-58  
 dispute resolution, 50-54  
 implications for, 32-33  
 legal evolution, 56-57  
 non-discrimination, 55-56  
 political process underlying, 57  
 rights and responsibilities, 48-50  
 rights of establishment, 33-36  
 standards, 39-44  
 standards of compensation, 46-48
- Biological Weapons Convention, 443
- Bipartisan Trade Promotion Authority, 243
- Black Economic Empowerment Act, South Africa, 52, 60
- Blackett, Adelle, *Rems.*, 389-90
- Bob, Clifford, 82-83
- Bosnia and Herzegovina v. Serbia and Montenegro*, 215-28
- Bosniak, Linda, *Rems.*, 91-93
- Boumediene v. Bush*, 344
- Breach of contract, CISG Article 25, 408-13
- Brenner, Neil, 62
- Broadening of Access to Agricultural Thrust (BATAT), 103
- Broude, Tomer, 313-18
- Brown v. Board of Education*, 85
- Bruce Babbitt, *Secretary of the Interior, et al., petitioners, v. Sweet Home Chapter of Communities for a Greater Oregon et al.*, 36
- Bundesgerichtshof*, German Supreme Court, 418-19
- Burci Gian Luca, *Rems.*, 253-55
- Bush, George H. W., Chemical Weapons Convention, 443
- Bush, George W.  
 Bipartisan Trade Promotion Authority, 243  
 effects on fragile normative structure to international law, 124-25  
 Nuclear Non-proliferation Treaty (NPT) and, 439, 444-45
- Buss, Doris E., 122-24
- Buyer's duty to inspect in CISG, 417-19
- Buyer's remedies in CISG, non-conforming goods, 416-21
- Canada-U.S. border, 69-78  
 changed regulations, 72
- Cancer Alley, 86
- Canova, Timothy A., 469-72
- Capetown Convention, Aircraft Protocol, 357
- Carter, Barry, *Rems.*, 236-37
- Case Law on UNCITRAL Texts (CLOUT)*, 412
- Central bank, capture of, 469-73
- Cerone, John, *Rems.*, 423
- Chad Cameroon Pipeline Project (CCPP), 141-43
- Chad government, 141-43
- Chang, Howard F., 311-12
- Chattin* case, 463
- Chemical Weapons Convention, 443
- Child Abduction Convention, 351
- Cho, Sungjoon, 157-59
- Chuang, Janie, *Rems.*, 381
- Cirincione, Joseph, 442-46
- CISG Digest*, Article 25 case law, 412
- Citizenship, 89-102  
 private side, 94-97
- Civil society, distinctiveness from social movements, 321
- Clarke, Peggy A., 109-12
- Clean Air Act, 63, 65
- Climate change litigation, 61-67  
 international decision-making, 64  
 international litigation, a skeptic's view, 65-67
- Clinton, William J., BITs and NAFTA, 6-7
- CME vs. Czech Republic*, 460
- CMS v. Argentina*, 460
- Coase objection, 38-39
- Coasian bargaining, free-market economics, 21-22
- COBRA, 71
- Coe, Jack J., Jr., 454-58

- Cold War, comparison to dangers of today, 443  
*Colorado River Conservation District v. United States*, 375  
 Columbia University Law School, human rights report, 83  
 Commercial and insolvency law, 357-60  
 Commission and Advisory Committee on International Rules of Judicial Procedure, 369  
 Common Understandings for the Management of International Migration, 307-08  
 Comprehensive Africa Agricultural Development Programme (CAADP), 105, 108  
*Constitutional Tribunal* case, 241  
 Contract law  
     modern trends, 410-11  
     Principles of European Contract Law (PECL), 410  
 Convention Against Torture, 79  
 Convention for the Elimination of All Forms of Discrimination Against Women (CEDAW), 379  
 Convention on Assistance in the Event of a Nuclear Accident or Radiological Emergency, 1986, 117  
 Convention on the Conservation of Biological Diversity, 1992, 174-75  
 Convention on Contracts for the International Sale of Goods, 238-39  
 Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 136  
 Convention on the Law of the Sea, 65  
 Convention on the Worst Forms of Child Labour, ILO, 396  
 Cooperative Threat Reduction Program, U.S., 441  
*Corfu Channel*, 218  
 Corporate accountability trends, tracking the trajectory of, 474-75  
 Corporate governance and bankruptcy regulation, 24-30  
 Corporate social responsibility (CSR) issues, 392-93  
 Cosmopolitanism theory, 316  
 Cotton Four, 245  
 Crimes against humanity, slave trafficking, 277-79  
 Criminal law, Africa and, 147-56  
 Critical Race Theory (CRT), 320  
 Cross border disputes, 10-11  
*CSOB v. Slovak Republic*, 460  
 Cuban Democracy Act, 77  
 Customary international law (CIL)  
     ATS and human rights, 261-62  
     domestic status and, 264, 267-69  
     federal common law and, *Sosa*, 269-72  
 Damrosch, Lori, *Rems.*, 233-35  
 Darfur, issue confronting ICC, 291-93  
 Davis, Adrienne, 285-89  
 Dayton Peace Agreement, 227  
 Declaration on Fundamental Principles and Rights at Work, 1998, ILO, 392, 398  
 Declaration and Guidelines on the Activities of Multinationals, 398  
 Defense technology, trade controls, 77  
 Desertification Convention, 1994, 174-75  
 Developing countries  
     agreements are collectively not in their interests, 23-24  
     multinational corporations in, 17  
 Development promise, 451-68  
 Diller, Janelle M., 398-02  
 Diplomatic protection, 100-01  
 Disasters  
     growing regulatory dilemma, 114-18  
     growth worldwide, 115  
     impact on food security across Africa, 107  
 Discrimination, BTIs, 55-56  
 Dispute resolution, 451-68  
     BTIs, 50-54  
*Doe v. Saravia*, 274  
 Doha Development Agenda, 243-48  
 Domain name system, 204-13  
*Domain réservé*, 89  
 Domestic courts, global governance and, 166-69  
 Domestic law, concurring remedies to CISG, 419-21  
 Domestic politics, international law and, 229-31  
 Dominican Republic, nationality of children, 98-99  
 Doremus, Holly, 62  
 Double Taxation Treaties, Africa, 451

- Dred Scott v. Sandford*, 369  
Dubinsky, Paul R., 365-78  
Duties of individuals, under African Charter, 428
- Earthquakes, 113-18  
East Timor, hybrid court, 297-00  
Economic agreements around the world, 237-38  
Economic theory, regulation of investment and, 19-32  
Effective Practices for a Planned, Balanced, and Comprehensive Approach to Management of Migration, 308  
Egypt, attitude toward homosexuality, 127-28  
*El-Masri v. U. S.*, 274  
Enemy status, 100-01  
Environmental law, 85-88  
    challenges, 172-75  
    protecting earth's natural resources, 171-81  
    treaties, 175-81  
*Erie v. Tompkins*, 263-72  
Esimai, Chinwe, 135-37  
European Convention on Human Rights, 240, 423  
    case of, 424-27  
European Convention on Nationality (1997), 91  
European Union  
    citizenship, 97  
    food subsidies, 111  
    order in migration and trade, 301-18  
Extradition, 100-01
- F. Hoffman-La Roche Ltd. v. Empargram S. A.*, 54-55  
Fair and equitable standard, 39-40  
Fair Labor Standards Act (FLSA), 283-85  
Farrall, Jeremy, 160-62  
FAST-Free and Secure Trade, 71  
Fear, origin in the world trade system, 143-46  
Federal Courts, reaffirming power of, 269-72  
Feminist theory  
    French and Brazilian laws, 379  
    governance, 382  
    Latin American laws, 380  
    peace operations, 385  
*Filartiga v. Pena-Irala*, 261-62, 267  
Fisher, David, 114-18  
Flaherty, Martin S., 261-63  
Florestal, Marjorie, 143-46  
Food access, Africa, 106  
Food security, Africa, 103-12  
    challenges, 106-07  
    costs of food insecurity, 104  
    current trends, 104-05  
    definition, 103-04  
    elements for food systems, 104  
    interventions, 104  
    national security, 105  
    recent initiatives, 107-08  
    status, 105  
Food subsidies, 109-12  
Forced Labor Convention, responses to Myanmar's flagrant breaches, 392  
Ford Foundation, human rights report, 83  
Foreign Corrupt Practices Act (FCPA), 325  
Foreign Extraterritorial Measures Act (FEMA), 77  
Forum non conveniens, in transnational judicial governance, 168-69  
Fourth World Conference for Women in Beijing, 379  
Framework Convention on Global Health (FCGH), 249-56  
    mission, 251  
    objectives, 251  
Framework Convention on Tobacco Control, 249, 255  
Franck, Susan D., 459-61  
Free market ideology, 19-23  
Free trade  
    Canada-U.S. border, 69-78  
    enhanced security and, 73-76  
Free trade agreements, 237  
Freestone, David, 172-74  
Future of International Law  
    compliance, 241  
    introduction, 1-2  
    members' reception and plenary panel, 229-42
- Gabilondo, José, 476, *Rems.*, 469  
Gathii, James, *Rems.*, 113

- Gay and lesbian. *See* Queer
- Gay international, 127
- Gender, 379–87  
     equity advocates in Africa, 140–41  
     in international law, 124
- General Agreement on Tariffs and Trade (GATT), 109, 143–46, 313  
     identity formation theory, 159
- General Agreement on Trade Services (GATS), 313  
     critique of, 317–18  
     global labor migration regime, 313–18
- Generation Ukraine v. Ukraine*, 460
- Geneva Conventions, 79
- Genocide Convention, 215, 218–19
- George, Erika R., 473–75
- Ghosh, Bimal, 303–05
- Global Commission for International Migration (GCIM), 308
- Global Environment Facility (GEF), 175
- Global governance, domestic courts and, 166–69
- Global inequality, benefits of liberalizing, 311–13
- Global justice, national immigration policy and, 315–17
- Global law school, evolution toward, 184
- Global migration regime, 303–04  
     doubts and dilemmas, 305–06  
     relevance of trade law, 304–05
- Global regulation, multinational corporations, 54–55
- Global warming, 61–67  
     focus of Kyoto Protocol, 180
- Globalization, in law schools, 185–86
- Gonzalez-Martin, Fernando, *Rems.*, 249
- Gostin, Lawrence O., 249–52
- Gottschalk, Thomas, *Rems.*, 403
- Governance feminism, 382
- Grebler, Eduardo, 407–13
- Greenhouse gases (GHGs), 172–73
- Gross, Aeyal, 129–32
- Grotius lecture, ninth, 3–60
- Guantánamo, 79, 99
- Guruswamy, Lakshman, 175–82
- Hague Conference on Private International Law, 349–53, 369–70  
     evolution in topics and issues, 351–52  
     impact of new technologies, 352–53  
     monitoring, 352  
     participation, 350–51
- Hague Convention on Certain Questions Relating to the Conflict of Nationality Laws (1930), 89
- Hague Convention on Child Support and Other Forms of Family Maintenance, 353–56  
     indirect rules of jurisdiction, 354–55  
     jurisdiction, 353–54
- Hague Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations, 354
- Hague Evidence Convention, 370
- Hague Process on Refugees and Migration (THP), 306
- Hague Service Convention, 370
- Halley, Janet, *Rems.*, 382
- Hamdan v. Rumsfeld*, 339–47
- Harden, Monique, 85–88
- Harmonization of investment laws, Africa, 451–54  
     nascent institutional arrangements for, 452–53
- Harvard Law School, international legal studies, 186–89
- Healthy and safe environment, rights to, 85–88
- Helfer, Laurence R., 391–93
- Hicks, David, 101
- Hicks v. Ruddock et al*, 101
- Hilaire, *Constantinè and Benjamin and Others*, 241
- HIV/AIDS  
     impact on food security across Africa, 107  
     international health regulations and, 249–50
- Home Ins. Co. v. Dick*, 369
- Homosexuality, in international law, 119–32
- Hull Rule, 14
- Human rights  
     affirmative, holistic approach to, 80–81  
     ATS, customary international law and, 261–62  
     conduct of private transnational actors, 473–79

- healthy and safe environment, 85–88
- mechanisms around the world, 423–31
- strategies in American social justice advocacy, 82–84
- third generation, 427
- transcend national boundaries, 80
- Human Rights Program of the American Civil Liberties Union, 79
- Human Rights Tribunal, 239
- Human Rights Watch, report on *Queen-52* case, 127–28
- Human trafficking, 379–87
  - feminist advocacy, 381–82
- Humanity, definition, 277
- Hunnicutt, Charles A., 1–2
- Huntington v. Attrill*, 369
- Hurricane Katrina, rights of displaced survivors, 85–88
- Hurricanes, 113–18
- Hybrid courts, 297–00
  
- Identity formation theory, 157–58
  - application of, 159–60
- Immigrants, rights of, 92–94
- In memoriam
  - Covey Oliver, 505
  - Louis Sohn, 504
  - Ronald St. John Macdonald, 506
- Indigenous peoples
  - rights, 319–23
  - role of nation-state, 322–23
- Indirect rules of jurisdiction, Hague Convention, 354
- Influenza, international health regulations and, 249–50
- Informal Group of Developing Countries, 245
- Insurgencies led by non-state groups, 447–49
- Intel Corp. v. Advanced Micro Devices, Inc.*, 374
- Inter-American Commission on Human Rights (IACHR), 66, 80, 85, 87, 98
- Inter-American Court of Human Rights, *Velasquez-Rodriguez* case, 216
- Intergovernmental Panel on Climate Change (IPCC), 172–73
- Internally displaced persons (IDPs), 306
- International Atomic Energy Agency (IAEA), 433, 442
- International Classification of Diseases (ICD), 254
- International Committee of the Red Cross (ICRC), 326–28
- International Conference on Population and Development, 1994, 307
- International Convention for the Protection of All Persons from Enforced Disappearance, 296
- International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families, 92–94, 313
- International Convention for the Regulation of Whaling, 172
- International Court of Justice (ICJ)
  - Arrest Warrant* decision, 295
  - Srebrenica, 215–28
- International courts, relationship to national courts, 289–00
- International Covenant on Civil and Political Rights, 79
- International Criminal Court (ICC), 289–00
  - Africa, 147–51
  - due process concerns, 294–95
- International Criminal Tribunal for Rwanda (ICTR), 148, 289–91
- International Criminal Tribunal for the former Yugoslavia (ICTY), 215–28, 289–91
- International disaster relief, 114–18
  - CNN effect, 115
  - existing legal framework, 117
  - future prospects, 117–18
  - growth of community, 115
  - NGO sector, 115
  - regulatory problems, 116
- International economic agreements, 8
- International Finance Corporation (IFC), 400
- International Health Regulations (2005), 249–60
- International humanitarian law, in today's world, 447–49
- International Institute for the Unification of Private Law (UNIDROIT), 357–63
- Principles of International Commercial Contracts, 410



- International institutional order, non-state actors and, 469-73
- International labor law, 389-02
  - building coherence, 400
  - enabling more participatory and accountable systems of governance, 401-02
  - OECD, 396-98
  - pruning of dead wood, 392
  - strengthening the capacity to deliver, 401
  - three challenges, 398-02
  - U.S. lack of interest, 397
- International Labor Organization (ILO), 389-02
  - four recent innovations, 392
  - future of, 391-94
  - future of ILO law, 394-96
  - human rights and consumer NGOs, 393
  - three challenges, 398-02
  - three future initiatives, 392-94
- International law
  - aptitude, 239
  - definition of victim, 239
  - ethics and legitimacy, 325-37
  - evolving and emerging norms, 475-80
  - as federal law, 261-75
  - individuals as subject of, 240
  - multiple models of creation, 476
  - participation of indigenous peoples, 319-23
  - queering of, 119-32
- International Law Commission, Draft Articles on Diplomatic Protection, 99
- International legal studies
  - Harvard, 186-89
  - New York University Law School, 189-92
  - University of Minnesota, 192-93
- International litigation, U.S. courts, 365-77
- International Non-proprietary Names (INNs), 255
- International Organization for Standardization, 402
- International organizations (IO), 157-69
  - identity formation, 158
- International relations (IR), 157-69
  - theory of identity formation, 157-58
- International standard and sovereignty, 462-65
- International Telecommunication Union (ITU), 205
- Internationalization, in law schools, 184-85
- Internet Corporation for Assigned Names and Numbers (ICANN), 201-13
- Internet Engineering Task Force (IETF), 209
- Internet governance, 201-13
- Investment Climate Facility, Africa, 453-54
- Investment law, 451-68
  - Latin America, 465-67
- Investment treaty awards, empirical analysis, 459-62
- Investor-state arbitration, 454-58
- Iran, noncompliance with nuclear nonproliferation regime, 433-38
- Ivtcher Bronstein* case, 241
- Jean v. Dorelien*, 273
- Jogi v. Voges*, 274
- Johnson, C. Donald, 243
- Johnson, Jon R., 73-75
- Johnson, Lyndon B., Nuclear Non-proliferation Treaty (NPT), 443
- Judiciary, receptive to rights standards, 81
- Karaha Bodas* case, 49
- Kennedy, John F., Nuclear Non-proliferation Treaty (NPT), 438, 443
- Kenya, Tanzania and Uganda Group, 246
- Kingah, Stephen S., 141-42
- Kittrie, Orde F., 433-37
- Knop, Karen, 94-96
- Korea-U.S. Free Trade Agreement, 7, 11
- Kosovo, hybrid court, 297-00
- Krstic* case, 215, 218, 220, 225
- Ku, Julian, 267-69
- Kulko v. California*, 353
- Kyoto Protocol, 171-81
  - flawed diagnosis, 178-81
  - inadequate impact of, 181
- Labor migration, 304-05
- Labor rights, OECD and, 397-98
- Landis v. North American Co.*, 375
- Langille, Brian, 394-95
- Latin American and Caribbean Group, 245
- Law of the Sea Convention (LOS Tribunal), 67



- Law the Family Man, 125
- Law the Father (Koskenniemi), 125
- LDCs Consultative Group, 245
- Leary, Virginia A., 396-97
- Least developed countries (LDCs), 245-46
  - decision-making and closing of the rounds, 247
  - dispute settlement, 247-48
  - institutional setting, 246
  - modalities for negotiation, 246-47
- Legal and Constitutional Commission (LCC), 139
- Legal education
  - future, 193-94
  - international exchange programs, 197-98
  - language study, 195
  - practicality of globalization, 198-99
  - skills curriculum, 196
- Legality of the Use of Force* cases, ICJ, 219
- Legalization (or Aspostille) Convention, 351
- Levitt, Jeremy, 152-56
- LG&E v. Argentina* case, 12
- Lichtenbaum, Peter, *Rems.*, 76-78
- Local/corporate rights, 137-38
- Lochner v. New York*, 10
- Loizidou versus Turkey*, 241
- Lord's Resistance Army (LRA), 290, 294
  
- Maastricht Treaty, 97
- Mainstream Reconstructionists, Africa, 133
- Maputo Declaration, 107-08
- Maputo protocol, 135-37
- Market insurance, 44-46
- Marshallian economics, 25
- Martin, Susan, 306-10
- Massachusetts v. EPA*, 61-65
- Mbaidjol, Ngonlardje, *Rems.*, 423
- Meron, Theodor, *Rems.*, 215
- Metaclad Corporation v. Mexico*, 37, 39
  - international sovereignty, 463
  - NAFTA, 39
- Migration
  - benefits of liberalizing, 311-13
  - global justice framework, 315-17
  - international order in, 301-18
  - management of, 303-06
  - overview of international cooperation, 306-11
- Military Commissions Act of 2006, 339-47
- Millennium Development Goals (MDG), UN, 180
- Milosevic* case, 221
- Minimum wage laws, 10-11
- Monasebian, Simone, 148-51
- Montreal Protocol on Substances that Deplete the Ozone Layer, 171-73
- Moore, David H., 264-66
- Mora, Alberto, *Rems.*, 404
- Mossville Environmental Action Now, 87
- Moyo, D., 103-08
- M/S Bremen v. Zapata Offshore Co.*, 371
- Muller v. Oregon*, 10
- Multilateral Agreement on Investment (MAI), 3, 455
- Multilateral Fund for the Montreal Protocol (MFMP), 173
- Multinational corporations
  - asymmetries of power, 18
  - basic perspectives, 10-13
  - conceptual challenges, 474
  - conflicting demands for legal frameworks, 19
  - corporate governance and bankruptcy regulation, 24-30
  - Declaration and Guidelines on the Activities of Multinationals, 398
  - differences among countries, 32
  - dispute resolution, 50-54
  - economic powers, 16
  - foreign and domestic problems, 16-19
  - global regulation, 54-55
  - government powers and, 16-17
  - impact of international law on, 403-06
  - importance of, 3-15
  - important contributions, 13
  - lack of expertise in developing countries, 17
  - legal evolution, 56-57
  - market insurance, 44-46
  - meaning of ownership and control, 29-30
  - need for economic agreements, 8
  - non-discrimination, 55-56
  - problems posed by, 15-19
  - rights and responsibilities, 48-50
  - role of government, 31-32
  - standards of compensation, 46-48
- Murphy, Sean D., 339-40

- Mussels case, *Bundesgerichtshof* ruling, 418-19
- Myanmar, ILO and, 392-94
- National Conference on Commissioners on Uniform State Laws (NCCUSL), 362, 370
- National courts  
   crimes against humanity, 295-96  
   relationship to international courts, 289-90
- National Oceanic and Atmospheric Administration (NOAA), 174
- Nationalism theory, 317
- Nationality  
   in international law, 99-102  
   resilience of, 97-99
- Nation-state  
   indigenous peoples and, 322-23  
   post-colonial, 320-22  
   traditional role of, 319-20
- Naturalization, 89-102
- Neer* case, 463
- Neier, Aryeh, *Rems.*, 84
- Neoclassical dichotomy, free-market economics, 22
- NEPAD, 105  
   environmental action plan, 108
- Neuman, Gerald L., 97-98
- New International Regime for Orderly Movement of People (NIROMP), 305
- New Quad Group, 243
- New York University Law School, Hauser Global Law School Program, 189-92
- Ngugi, Joel M., *Rems.*, 133-34
- Nixon, Richard  
   Biological Weapons Convention, 443  
   Nuclear Non-proliferation Treaty (NPT), 443
- Nmehielle, Vincent O., 147
- No More Deaths, American group, 93
- No One Is Illegal, Canadian group, 93
- Non-citizens, rights of, 92-97
- Non-conformity of goods, buyer's remedies in CISG, 416-21
- Non-governmental organizations (NGO), disaster relief, 115
- Non-state actors, international institutional order, 469-73
- North American Free Trade Agreement (NAFTA), 7, 455  
   Canada, 69-75  
   Metaclad case, 39  
   Myers case, 47-48
- North Korea, noncompliance with nuclear nonproliferation regime, 433-38
- Notar, Susan A., 163-65
- Nuclear arsenal upgrades, U.S. and Russia, 433
- Nuclear nonproliferation regime, 433-46  
   noncompliance of North Korea and Iran, 433-38  
   nuclear realities and, 438-42  
   replacing a failed strategy, 442-46
- Nuclear Non-proliferation Treaty (NPT), 438-42
- Nzelibe, Jide, 345-48
- Occidental v. Ecuador*, 464
- Organization for Economic Cooperation and Development (OECD), 3, 110  
   labor law and, 396-98  
   labor rights and, 397-98
- Organization for the Harmonization of Business Law in Africa (OHADA), 452
- Orientalism, 125-29
- Osofsky, Hari M., 61-64
- Otto, Dianne, 119-21
- Ouguerouz, Fatsah, 427-32
- Owada, Hisashi, *Rems.*, 231-32
- Ownership and control, 29-30
- Ozone-depleting substances (ODS), 172-73
- Pacific Islands Forum, 245
- Pareto Optimal, corporate governance, 13
- Participatory constitution-making, Africa, 138-41
- Pennoyer v. Neff*, 369
- Personal jurisdiction, 373-74
- Petrol Revenue Management Law (PRML), Chad, Africa, 141
- Phillips, Valerie, 319-25
- Piper v. Reyno*, 168-69
- Plenary corporate counsel forum, 403-06
- Plotkin, Bruce, 256-60
- PoKempner, Dinah, 341-44
- Political process, underlying BTIs, 57
- Poverty, Africa, 106

- Power-sharing, warlords in Africa, 152–56  
 President's Trade Promotion Authority, 243  
 Pretrial discovery, 374  
 Principles of European Contract Law (PECL), 410  
 Private international law, 349–63  
 Private transnational actor, place in international law, 473–79  
 Proliferative Security Initiative, U. S., 441  
 Prostitution, 381–82  
 Protective rights, 80  
 Protocol on the Rights of Women in Africa, 427
- Quackenbush v. Allstate Ins. Co.*, 375  
*Queen-52 case*, 127  
 Queer theory, 119–32  
   discomforts with *Orientalism*, 125–29  
   human rights law and, 129–32
- Radicals, Africa, 134  
 Ratifications of rights, ILO, 392  
 Rawlsian "Society of Peoples" approach, 316–17  
 Reagan, Ronald, START treaties, 443  
 Receptive judiciary, 81  
 Reconstruction and Development Programme (RDP), South Africa, 103  
 Red Crescent Society, 115  
 Red Cross, 115  
 Regional Economic Communities (RECs), Africa, 108, 451, 452–53  
 Regulation of investment, economic theory and, 19–32  
 Regulatory gap, 11  
 Regulatory takings, 6–7  
   what gets protected, 36–46  
 Reisman, W. Michael, 462–64  
 Remittance liquidity, 476–79  
 Reparations, slave trade, 285–87  
 Rescinding of contract, under CISG, 420  
 Restatement of Foreign Relations Law, 1987, 371  
*Restatement of Torts*, 274  
 Restatement (Third) of Foreign Relations Law of the United States, 267–68  
 Richard, Margie, Louisiana environmental justice activist, 86–87  
 Rights and responsibilities, BTIs, 48–50
- Rittich, Kerry, *Rems.*, 383  
 Robalino-Orellana, Javier, 465–68  
 Rolland, Sonia E., 244–48  
*Roper v. Simmons*, 81–82  
 Rosenblum, Darren, 379  
 Rozakis, Christos L., 424–26  
 Rubenstein, Kim, 99–102  
 RugMark system, 282  
 Rule of law (ROL)  
   UN Security Council and, 160–61  
   United Nations Secretariat and, 161–62
- S.D. Myers v. Government of Canada*, 47–48  
*Santa Clara County v. Southern Pacific Railroad Co.*, 12  
*Sarei v. Rio Tinto*, 274  
 SARS, international health regulations and, 249–50  
 Sayre, Nathan, 62  
 Scale, science and law, 61–65  
   argumentative tool, 62  
   confluence, 64–65  
   international decision-making, 64  
 Schwenzer, Ingeborg, 416  
 Seafarers' Identity Documents Convention, 402  
 Second Fundamental Theorem of Welfare Economics, 22  
 Security, Canada-U.S. border, 69–78  
 Security and Prosperity Partnership (SSP), 75–76  
 Service Convention, 351  
 Setear, John K., 171  
 Settler population, 322  
 Sex equality. *See* Feminism; Gender  
 Sexuality  
   human rights law and, 129–32  
   in international law, 119–32  
 Shalakany, Amr, 125–28  
 Shaler Adams Foundation, human rights report, 83  
 Shareholder maximization, 25  
 Shell Oil Co., 86–87  
 Sierra Leone, hybrid court, 297–00  
 Slaughter, Anne-Marie, *Rems.*, 229–30  
*Slave Trade Cases*, 1864, 279–85  
 Slave trafficking  
   200 years after abolition, 277–87

- legal foundations for prohibiting profits and products of, 279–85
- reparations, 285–87
- Smart Border Declaration, 74
- Smis, Stefaan, 141–42
- Smith, Edwin E., 357–59
- Social justice advocacy, 79–88
  - rights strategy in, 82–84
  - in the U. S., 84–85
- Social movements, distinctiveness from civil society, 321
- Sosa v. Alvarez-Machain*, 261–75
  - domestic status of CIL, 267–69
  - federal common law and CIS, 269–72
  - looking forward, 263–64
  - Supreme Court, 262–63
  - traffic light theory, 272–75
- South Africa, food security, 103–12
- Southern African Customs Union, 246
- Sovereign domain reservé, 462
- Special Court for Sierra Leone (SCSL), 148
- Spector, Robert G., 353–56
- Sphere Project Humanitarian and Minimum Standards in Disaster Response, 117
- Spiro, Peter J., 89–90
- Standardization, BTIs, 32–33
- Standards of compensation, BTIs, 46–48
- START treaties, 443
- State of Alabama v. Exxon Mobil Corp.*, 17
- Statehood, from a queer perspective, 120
- Statist Realism theory, 316
- Steinhardt, Ralph G., 272–76
- Stephan, Paul B., 414–15
- Stephens, Beth, 270–71
- Stewart, David, *Rems.*, 349
- Stiglitz, Joseph E., 3–60
- Straddling Fish Stock Agreements, 65
- Sudan, issue confronting ICC, 291–93
- Sundel, Philip, *Rems.*, 447
- Supreme Court
  - Erie case, 264–67
  - slave trafficking, 277–87
  - Sosa* case, 262–75
  - war on terrorism and, 339–47
- Tadic* case, 218
- Takeovers, 25
- Tampere Convention on the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations, 1998, 117
- Taveras v. Taveraz*, 274
- Tecmed* case, 463
- Teitz, Louise Ellen, 360–64
- Tel-Oren v. Libyan Arab Republic*, 262
- Terrorism, ethics of international law, 328–31
- The Amistad*, 279
- The Antelope*, 278
- The Federalist*, 278
- The Modern Corporation and Private Property* (Berle & Means), 12
- The National Security Strategy of 2002*, 444
- The National Strategy to Combat Weapons of Mass Destruction*, 444
- The Slavers* (Kate) decision, 280
- The Slavers* (Weathergaze) decision, 280
- Third World Approaches to International Law (TWAIL), 320
- Third-party state prosecutions, 295–96
- Thomas, Chantal, 1–2, *Rems.*, 183
- Tiebout competition, free-market economics, 22–23
- Tort recovery, under CISG, 420
- Tortious remedies, CISG and, 419–20
- Torture Victim Protection Act, 263
- Trachtman, Joel P., 301–02
- Trade, international order in, 301–18
- Trade law, relevance to the new global migration regime, 304–05
- Trade-related aspects of intellectual property rights (TRIPS), 253
- Traffic light theory, *Sosa v. Alvarez-Machain*, 272–75
- Trail Smelter* decisions, 66
- Transnational governance, 469–79
  - applying interstate frameworks, 367–68
  - governance-oriented analysis, 167–68
- Transnational ideologically based movements, 447–49
- Transnational judicial governance, 166–67
  - politics and the rule of law, 168–69
- Transnationalization, in law schools, 185
- Treaty of Versailles, 389
- Trindade, Antônio Augusto Cançado, *Rems.*, 238–42

- Tripartite Declaration of Principles Concerning Multinational Enterprises and Social Policy, ILO, 392-93
- TRIPS amendment on public health, 245
- Tsunamis, 113-18
- Uganda, issue confronting ICC, 289-90
- Uniform Code of Military Justice (UCMJ), 339
- Uniform Foreign Money-Judgments Recognition Act (UFMJRA), 370
- Uniform Interstate and International Procedures Act (UIIPA), 370
- Uniform Interstate Family Support Act (UIFSA), 354
  - applicable law, 355
  - indirect rules of jurisdiction, 354
  - modifications of the original support order, 355-56
- Uniform Law on the International Sale of Goods (ULIS), 418
- United Nations
  - ban on sex between peacekeepers, 120-22
  - monitoring of sanctions, 163-66
- United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Rights Law and International Humanitarian Law, 294
- United Nations Code of Conduct for Multinationals, 398
- United Nations Commission on International Trade Law (UNCITRAL), 357-63, 407
  - Case Law on UNCITRAL Texts (CLOUT), 412
- United Nations Conference Against Racism (2000), 86-87
- United Nations Conference on Trade and Development (UNCTAD), 3, 8, 15
- United Nations Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment, 296
- United Nations Convention on Contracts for the International Sale of Goods (CISG), 407-22
  - buyer's remedies in the case of non-conforming goods, 416-21
  - CISG Digest and *Online*, 412
  - concurring remedies, 419-21
  - concurring remedies (domestic law), 419-21
  - does it fill a gap, 414-16
  - fundamental breach, Article 25, 408-13
  - gap-filling of, 412-13
- United Nations Department of Peacekeeping Operations (DPKO), 161-63
- United Nations Development Fund for Women (UNIFEM), 140-41
- United Nations Economic Commission on Latin America and the Caribbean (ECLAC), 4
- United Nations Framework Convention on Climate Change (UNFCCC), 180
- United Nations Guiding Principles on Internal Displacement, 88
- United Nations High-Level Dialogue on Migration and Development, 306-11
- United Nations Human Rights Council, 80, 86, 423
  - remarks, 423-24
  - on rights of non-citizens, 92
- United Nations Independent Corruption Prevention Agency (UNICPA), 166
- United Nations Oil-for-food Program (OFFP), 163-66
- United Nations Peacekeeping, rule of law and, 160-63
- United Nations Sanctions Review Board (UNSRB), 165
- United Nations Secretary-General's High-level Panel on Threats, Challenges and Change, 433
- United Nations Security Council Resolution 1373, 230
- United Nations Special Rapporteurs, 80
- United Nations updated Set of Principles for the Protection and Promotion of Human Rights Through Action to Combat Impunity, 295
- United Nations Working Group on Arbitrary Detention (UNWGAF), 80
- United Nations World Summit on Sustainable Development (2002), 86-87
- United States v. Alvarez-Machain*, 262, 371
- United States of America v. Phillip Morris USA Inc.*, 15

- United States Uniform Commercial Code, 414
- Universal Declaration of Human Rights, 79, 97-98, 135, 294
- Universal jurisdiction, 295-96
- Universal Periodic Review (UPR), 424
- Universal/cosmopolitan rights, Africa, 136-37
- University of Minnesota, globalizing program, 192-93
- U.S. Committee for Foreign Investment in the United States (CFIUS), 77
- U.S. Customs and Border Patrol (CBP), 71
- Velasquez-Rodriguez case*, 216
- Victim, definition in international law, 239
- Victims of Trafficking and Violence Protection Act, 2000, 383
- Vienna Convention on the Law of Treaties, 400
- Vienna Convention for the Protection of the Ozone Layer, 1985, 173
- Vietnamese orphans case*, 239
- Virtual private network, 205
- Volkswagenwerk AG v. Schlunk*, 372
- War on terror
  - counter-insurgency and, 447-49
  - Supreme Court and, 339-47
- Warlords in Africa, 152-56
- Watt, Steven M., 79-81
- Weapons of Mass Destruction (WMD), 444
- Weapons-usable fissile material stockpiles, 433
- Weiler, Joseph, *Rems.*, 189-92
- Western Hemisphere Travel Initiative, 72-73
- Whytock, Christopher A., 166-70
- Wilde, Ralph, 119
- Wilson, Michael, Ambassador, *Rems.*, 69-72
- Wing, Adrien, *Rems.*, 277
- World Bank, study on liberalizing international migration, 311-12
- World Economic Forum, 243
- World Health Assembly, 257
- World Health Organization
  - International Health Regulations, 256-60
  - International Sanitary Regulations (1951), 257
  - Secretariat, 249-60
- World Trade Organization (WTO)
  - food subsidies, 109-12
  - future trends, 237
  - identity formation theory, 159-60
  - legal framework's impact on developing country coalitions, 246-48
  - recognition of groups, 245-46
- Wright, Paul, *Rems.*, 405
- Yean and Bosico Children case*, 98
- Yogyakarta Principles on the Application of International Human Rights Law in Relation to Sexual Orientation and Gender Identity, 129
- Zero tolerance of sex policy, United Nations, 120-22